

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 12, 2001  
8:30 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Larry Hudkins  
Bernie Heier

Commissioners Absent: Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, APRIL 3, 2001 AND THURSDAY, APRIL 5, 2001**

It was noted that the minutes of Tuesday, April 3, 2001 were previously approved.

Campbell asked that Item 6, Paragraph 2 of the minutes of Thursday, April 5, 2001 be amended to read as follows:

Campbell said Kerry Eagan, Chief Administrative Officer, has recommended that Cori Beattie, County Board Administrative Secretary, serve as support for Eckley so that she can gain more experience in this area.

**MOTION:** Hudkins moved and Heier seconded approval of the Staff Meeting minutes of Thursday, April 5, 2001 with that correction. Heier, Hudkins, Workman, and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Department Budget Hearing Schedule
- B. Pavilion Events Center

**MOTION:** Heier moved and Hudkins seconded approval of the additions to the agenda. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

### 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O Douglas County has signed off on amendments to LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act).
- O Amendment has been drafted for LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) that would add LB 616 (authorizes road maintenance agreements between counties, cities and villages).
- O LB 692 (provides for funding of the Nebraska Lifespan Respite Services Program under the Nebraska Health Care Funding Act) is on Final Reading. Kissel said we won't get language to require the state to take commitments within 72 hours this year, but we will receive additional funds to help defray costs through the budget and the Tobacco Settlement bill.

Dean Settle, Community Mental Health Center Director, appeared and said \$250,000 in additional costs were incurred last year as a result of the Emergency Protective Custody (EPC) process. He said the majority of beds are filled by post-commitments so there are fewer beds available to meet acute EPC needs. Settle said he is also concerned that a lot of the EPC money earmarked by the Legislature is headed to Region VI.

Gary Lacey, County Attorney, appeared and requested support of LB 659 (adopts the DNA Testing Act). He said this bill will make post-conviction DNA testing available for those individuals who believe they have been wrongly convicted, a concept he supports. Lacey noted there are still some legal issues that will need to be addressed through amendment.

Dennis Keefe, Public Defender, appeared and said several issues divide the defense bar and the prosecution bar.

Lacey said one issue involves who should donate genetic material for a DNA database.

Keefe said another issue involves appointment of counsel for those seeking this remedy. He asked the County Board to refrain from taking a position on the bill, beyond support of the concept.

**MOTION:** Hudkins moved and Heier seconded to support the concept of post-conviction DNA testing in LB 659 and to direct Gordon Kissel, Legislative Consultant, to work with Gary Lacey, County Attorney; Dennis Keefe, Public Defender; and Trent Nowka, lobbyist for the County Attorney's Association, in development of amendment language. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Hudkins said he is concerned with the ramifications of LB 142 (authorizes creation of municipal counties). He noted a memorandum received from Scott Sidwell, Nebraska Association of County Officials (NACO) Executive Director, and said it appears questionable whether any elected officials would be retained, other than the County Sheriff and County Assessor.

Kissel said the bill is up for hearing today, but action is not anticipated as Senator Chambers has major concerns with the bill.

Eagan said there are no guarantees under the legislation. He said a Planning Council, a non-elected board, would be permitted to "make sweeping changes to local government" under the bill's provisions.

Campbell said she is concerned that the proposed amendments are not getting at the issues the Board has identified as concerns.

The Board reviewed a draft of a letter to Senator Schimek, Chair of the Legislature's Government, Military and Veterans Affairs Committee, outlining the County Board's concerns regarding LB 142 (Exhibit B).

Campbell said the Board should indicate that it has remained neutral on the bill, but unless these points are addressed the bill should either be killed or held in order to address the major problem areas.

Kissel said proponents of the bill will argue that the Legislature has a duty to respond to the Constitutional Amendment passed by voters.

**MOTION:** Hudkins moved and Heier seconded to approve the letter to be re-drafted to state that the County Board has remained neutral on the bill, however the Board does have serious concerns and unless these problems can be adequately addressed the Board will take a position opposing LB 142 and to direct Gordon Kissel, Legislative Consultant, to relay the County Board's concerns. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**4 DISCUSSION WITH LINCOLN INDEPENDENT BUSINESS ASSOCIATION (LIBA) REGARDING DEPUTY CHIEF ADMINISTRATIVE OFFICER POSITION AND DEPARTMENT OF ADMINISTRATIVE SERVICES** - Joe Hampton, Charlie Claus and Lyle Davis, Lincoln Independent Business Association (LIBA) Representatives; Gary Lacey, County Attorney

Joe Hampton, Lincoln Independent Business Association (LIBA), said LIBA is concerned with the County Board's creation of the Department of Administrative Services and would like to know whether this is a change to government or an expansion of government. There is also concern that this appears to be a county manager form of government. He recommended further study before creating the department and posed the following questions (Exhibit C):

1. What new responsibilities will be assigned to the Director of Administrative Services that are not now performed by the Chief Administrative Officer?
2. Which new responsibilities of the Department of Administrative Services are temporary?
3. What options for providing the services and/or supervision were considered?
4. How is supervision and evaluation exercised over County Board agencies?
5. What County Board agencies have user or advisory committees?
6. What is the Chief Administrative Officer's job description and how does it compare to the proposed Deputy Chief Administrative Officer?

Hampton said the Chair has indicated to him that the Department of Administrative Services will provide direct support to the Records & Information Manager and Workers' Compensation & Risk Management Manager. He questioned whether the County should even be involved in risk management.

Eagan explained that the Workers' Compensation & Risk Management Manager investigates claims internally and the County contracts outside for complicated risk management services.

Hampton said he is concerned that the Department of Administrative Services will continue to grow.

Eagan said small stand-alone departments will also continue to grow and suggested that growth can be curtailed by centralization.

Hampton suggested consolidation of other administrative positions.

Campbell explained that the County Board had requested a County Attorney's opinion when it decided to provide an assistant, in the unclassified service, to the Chief Administrative Officer. She said the County Attorney had suggested creation of a Department of Administrative Services, with the Chief Administrative Officer named the department head. Campbell said this allows the Deputy Chief Administrative Officer, Records & Information Manager and Workers' Compensation & Risk Management Manager to be folded in and provides for budget accountability.

Hudkins said he is concerned with the cost of adding the Deputy Chief Administrative Officer position. He also questioned the need for setting up a new department.

Eagan said the County Board had indicated a preference that the position be in the unclassified service so that there would be direct accountability to the County Board. He explained that this is the only way to provide statutorily for a Deputy Chief Administrative Officer in the unclassified service and said the model for this department came from Douglas County.

Hampton noted that 90 percent of the County Board's constituency resides within the City and said perhaps additional consideration should be consolidation of County and City government. He said he believes the County Board needs to be more assertive, noting the issues of ambulance service, update of the Lincoln City-Lancaster County Comprehensive Plan, planning for the Stevens Creek Basin, Beltway selection and infrastructure.

Hampton also provided a comparison of selected County agency directors to comparable City and State positions (see Exhibit C).

The Board accepted an invitation from the LIBA representatives to meet for further discussion of the issues raised.

Campbell asked about the Pavilion and Events Center, noting an article in the LIBA newsletter.

Charlie Claus said they recently joined LIBA but said he did not know much about them.

Campbell said the Board has started to receive inquiries about the Pavilion and Events Center because they are not zoned for what is proposed.

**5 PERSONNEL POLICY BOARD LEGISLATION** - Jan Gauger, Former County Commissioner and Personnel Policy Board Member; Melvin Moore, Don Zavodny and Terri Gardner, American Federation of State, County & Municipal Employees (AFSCME); Judy Foote, Employees Advisory Team (EAT); Georgia Glass, Personnel Director; Diane Staab, Deputy County Attorney

Jan Gauger, former County Commissioner and Personnel Policy Board Member, explained how the County's personnel system was created. She said the six member Personnel Policy Board was designed, as part of that system, to serve as non-political mechanism for appeal. Membership is comprised of two members appointed by the County Board, two members appointed by elected department heads and two members appointed by classified employees. It was noted that the employee appointment is made by the Employees Advisory Team (EAT).

Diane Staab, Deputy County Attorney, said the American Federation of State, County & Municipal Employees (AFSCME), has asked to have its own representative on the Personnel Policy Board. She said AFSCME could ask the County Board to make one of its appointments someone selected by the union. This would eliminate the need for legislative change.

Melvin Moore, AFSCME President, said the union just wants equality and said he does not believe it should have to "go begging" for an appointment. He said even if EAT were to relinquish one of its appointments to AFSCME it still wouldn't level the "playing field".

Staab said appointment by classified employees does not necessarily mean appointment by EAT. She said at one time the employees elected their representative to the Personnel Policy Board and said the employees could return to that system.

Moore said an AFSCME representative was agreed upon during labor negotiations.

Staab said that is not true. She said the County did agree to discuss the Civil Service Act but it involved other issues and said there was never an agreement to change the makeup of the Personnel Policy Board.

Moore insisted there was a decision to come up with a neutral Personnel Policy Board, although specific numbers were not decided.

Gauger said it was never the intent that appointments to the Personnel Policy Board serve as representatives of their respective bodies, rather to have a broad-based, representative group from outside the political arena that would hear and make judgements on employees' grievances in a fair and equitable manner.

Judy Foote, Employees Advisory Team (EAT) Chair, said EAT represents all county employees. She also stated that EAT opposes the suggestion at a previous Staff Meeting that it make the classified employee appointment jointly with AFSCME and the Fraternal Order of Police (FOP) Lodge 32 (the bargaining unit for Corrections).

Moore noted that EAT's representation of employees includes some management positions.

Hudkins asked why the bargaining unit was not given representation at the time the Personnel Policy Board was set up.

Gauger said the employees were viewed as a group and said the AFSCME bargaining unit may still have been in the formation stage at that point.

Don Zavodny, AFSCME, said his group is merely seeking more balance between the interests.

Gauger said if there is a defect in the Personnel Policy Board's makeup, it is probably that two appointments are made by the elected department heads. She said perhaps it should include all department heads, as appointed department heads currently have no input.

**NOTE:** The Board received the following materials (Exhibit D):

- Summary of Personnel Policy Boards in Nebraska Counties*
- Nebraska Revised Statutes - Annotated, Chapter 23. County Government and Officers, Article 25. Civil Service System*
- By-Laws of Employee Advisory Team*
- Rule 4 - Personnel Policy Board*

- 6 COUNTY BREAST FEEDING POLICY** - Ann Seacrest, Breastfeeding Policy Development Committee Chair; Melissa Oerman, Women, Infants and Children (WIC) Program Coordinator for the Lincoln/Lancaster County Health Department; Kathy Leeper M.D., Pediatrician and Medical Director of "Milkworks"; Jennifer Brinkman, Administrative Assistant to the Mayor; Georgia Glass, Personnel Director

Ann Seacrest, Breastfeeding Policy Development Committee Chair, said the U.S. Surgeon General's 2000 Blueprint on Breastfeeding was released in October, 2000. This report identified breastfeeding as an important contributor to infant and maternal health and an economic advantage to the family, health care system and the workplace. The Lincoln/Lancaster County Board of Health established the Breastfeeding Policy Development Committee to look at breastfeeding as a policy issue and passed the Lincoln/Lancaster County Breastfeeding Initiative (see agenda packet) that was recommended by the committee.

Kathy Leeper M.D., Pediatrician and Medical Director of "Milkworks", explained the breastfeeding benefits for infants and women.

Seacrest asked the Board to adopt a policy that will encourage and enable breastfeeding mothers to express their milk during working hours. She said this includes providing a private, comfortable space in which to pump breast milk and being flexible when the pumping procedure extends slightly beyond allotted break time. Seacrest said ideally the Breastfeeding Policy Development Committee would like to see the City and County provide the breast pumps, which cost approximately \$600 each. She said the pumps could be used by a number of women, each of which would provide their own sanitary attachment (\$40 each).

Georgia Glass, Personnel Director, said the biggest challenge will be finding private space. She said restrooms are not an option, as they lack the necessary electrical outlets.

Campbell suggested the women's restroom in the County Commissioners/City Council offices be utilized as a space and said outlets could be installed. She also suggested that Keno Funds be used to purchase pumps.

**MOTION:** Workman moved and Heier seconded to support purchase of breast pumps and to initiate the process of bringing the breastfeeding policy before the Personnel Policy Board. Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

Workman asked whether the babies could be brought to their mothers for feedings.

Melissa Oerman, Women, Infants and Children (WIC) Program Coordinator for the Lincoln/Lancaster County Health Department, said that would be great but most mothers lack day care close enough to make that feasible.

Glass said the Mayor also supports a breastfeeding policy and would like to announce this support and efforts by the City and County to promote breastfeeding.

Jennifer Brinkman, Administrative Assistant to the Mayor, said the City also plans to work with the Health Department and Breastfeeding Policy Development Committee to set up an educational conference and invite private sector employers.

The Board asked that these efforts be coordinated with the County Board Chair.

**MOTION:** Hudkins moved and Heier seconded to purchase a breast pump out of the Keno Fund. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**7 WOMEN'S VOICES** - Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission

Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission, explained that Women's Voices will be a series of open forums held to solicit information and input from women of all ages in Lincoln and Lancaster County (Exhibit E). A report will be issued after all of the open forums are held, outlining the issues and solutions offered, and will be used by the Women's Commission as a template for future activities. Coffey asked for the County Board's endorsement of the forums.

**MOTION:** Heier moved and Workman seconded to support Women's Voices. Heier, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**8 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) 34 READINESS ASSESSMENT** - Dave Kroeker, Budget and Fiscal Officer; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office; Terry Adams, Deputy County Treasurer

Dave Kroeker, Budget and Fiscal Officer, reported that Phase I and II of the Governmental Accounting Standards Board (GASB) 34 Readiness Assessment will cost \$21,000.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, said an implementation plan will also be provided.

**MOTION:** Workman moved and Hudkins seconded approval of \$21,000 for Phase I and II of the GASB 34 Readiness Assessment. Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

**9 NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)/OFFICE OF JUVENILE SERVICES (OJS) REIMBURSEMENT RATES FOR SECURE AND NON-SECURE FACILITIES** - Dennis Banks, Lancaster County Juvenile Detention Center Director

Dennis Banks, Lancaster County Juvenile Detention Center Director, distributed copies of *Child Welfare and Juvenile Services Rates* (Exhibit F). He recommended that the County set the reimbursement rate for the Nebraska Department of Health and Human Services (HHS) at \$160, per day, for the Juvenile Detention Center. Banks said this rate reflects removal of the education component, which is already paid by the State.

**MOTION:** Hudkins moved and Heier seconded approval of the \$160, per day, reimbursement rate. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

### **A. Department Budget Hearing Schedule**

The Board reviewed the proposed Department Budget Hearing Schedule (Exhibit G) and rescheduled the County Attorney for 4:30 p.m. on May 17, 2001.

### **B. Pavilion Events Center**

Campbell said there are plans to locate an outdoor arena and events center on Southwest 29<sup>th</sup> Street and West Center Road.

Heier said he wants the public to know that the County Board did not have any knowledge of these plans, particularly if there are fundraising efforts.

Hudkins questioned the need for the facility.

Campbell suggested that the director of the Pavilion Events Center be asked to appear at a Staff Meeting to discuss their plans. She also questioned how the proposed facility fits with the Entertainment Market Study.

### **10 GAS PURCHASING CONSORTIUM AGREEMENT - Diane Staab, Deputy County Attorney**

Diane Staab, Deputy County Attorney, said the agreement for the Gas Purchasing Consortium (consists of the City of Lincoln, Lancaster County, Public Building Commission and Lincoln Public Schools) has expired. She asked whether the County wants to continue its participation in the group, which was formed to go out for competitive bid pricing on the purchase of natural gas as a whole unit.

**MOTION:** Heier moved and Hudkins seconded to continue participation in the Gas Purchasing Consortium. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

### **11 PENDING AND POTENTIAL LITIGATION - Diane Staab, Deputy County Attorney**

**MOTION:** Hudkins moved and Workman seconded to enter Executive Session at 11:15 a.m. for discussion of pending and potential litigation. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

**MOTION:** Heier moved and Hudkins seconded to exit Executive Session at 11:33 a.m. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

## 12 CONSENT ITEMS

- A. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Ameritas/Acacia

**MOTION:** Workman moved and Heier seconded approval. Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

## 13 ADMINISTRATIVE OFFICER REPORT

- A. County Logo

Item held one week.

- B. Homestead Trail Supplemental Agreement

Workman said the Lower Platte South Natural Resources District (NRD) Board plans to vote on the supplemental agreement on April 18<sup>th</sup>. He said he plans to attend that meeting and would like to be able to state that the County is willing to be a financial partner in the purchase of the right-of-way corridor, if needed.

Hudkins said the Lancaster County Farm Bureau is concerned with the reversionary clauses and has suggested that the connection between Lincoln and Beatrice be located on the existing right-of-way through Firth and Roca instead, which would not be as disruptive to farm land.

In response to a question from Heier, Workman said he is reluctant to propose a figure, as it might hinder fundraising efforts.

Heier suggested that an offer to match funds might be more effective.

Heier and Hudkins both indicated that they will not support County ownership of the trail.

- C. City Parks Forum Report

Eagan reported on his recent attendance at a City Parks Forum in Louisville, Kentucky.

- D. Sunny Slope Road

Heier said the road will be closed and gated, with the Homeowner's Association responsible for the gate costs. He said No Parking signs will also be installed, at the County's expense.

#### E. Meeting with United HealthCare

Eagan said representatives from Marsh, Inc., benefits consultant, and United HealthCare will present first quarter results and plan alternatives on May 15<sup>th</sup>.

### 14 DISCUSSION OF BOARD MEMBER MEETINGS

#### A. Region V Governing Board - Heier

Heier said a letter was sent to Nebraska's U.S. Senators and Representatives asking that suicide prevention dollars be sent directly to the counties.

Heier also reported there is concern that Families First & Foremost (F<sup>3</sup>) is "top heavy" administratively and that services are not reaching all the individuals they wanted it to reach.

#### B. Public Building Commission - Campbell, Hudkins

Hudkins said parking options were discussed. He said the lack of financial advantage and Capital Environs' restrictions make the east option less viable. Hudkins said it is likely that the Public Building Commission will acquire the block to the north of the County-City Building and establish surface parking until needs are fully assessed. He said Don Killeen, County Property Manager, reported that the Public Building Commission currently pays \$100,000 in rent for parking space and has suggested that those funds could cash flow the north surface parking. Hudkins also noted that the Downtown Lincoln Association (DLA) has identified the three blocks north of that block as a potential location for a new convention center and has suggested that a parking garage on that block could complement the facility.

Campbell said additional discussion focused on having the Lincoln Police Department monitor the Public Building Commission's parking lots and on a space heater policy.

#### C. Monthly Meeting with the Mayor - Campbell, Workman

Campbell said discussion focused on the following:

- City Parks Forum
- Homestead Trail
- Entertainment Market Study
- Early Flood Warning System
- Ambulance Service
- Keno

Campbell said it was suggested that a report from the Stevens Creek Basin Initiative Task Force and discussion of the Beltway Schedule be scheduled on the City-County Common agenda.

#### D. Board of Health - Hudkins

Hudkins said Marcia Wilhite, Air Quality Supervisor for Lincoln/Lancaster County Health Department, presented a regulation for no open burning in the county. He said the Parks & Recreation Department and agricultural interests oppose such a measure and the item was held one month to give those interests a chance to respond.

The Board requested that a report on the Lincoln/Lancaster County Health Department's position on ethanol be scheduled on the City-County Common agenda.

Heier exited the meeting.

#### **RETURNING TO LEGISLATIVE UPDATE**

Eagan reported on an amendment to LB 465 (changes and eliminates Tax Equalization and Review Commission appeal procedures) that states "on appeal the Attorney General shall appear and represent the county or political subdivision". He recommended that the County Board oppose the amendment.

**MOTION:** Hudkins moved and Workman seconded to oppose that amendment and to direct Gordon Kissel, Legislative Consultant, and Kerry Eagan, Chief Administrative Officer, to take appropriate action. Hudkins, Workman and Campbell voted aye. Motion carried.

#### **15 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk